

# Chapter 4:

## Sustaining Aboriginal homeland communities

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### 4.1 Introduction

*Homelands still belong to the people, we want to build homes on our land and live there. When we come to the homeland we come back to the peace and quiet. ... It is a much better environment on the homelands, better things for the children.<sup>1</sup>*

*Australia has not learned anything from the history of destabilising Indigenous people if this policy is allowed to stand and homelands people are forced to co-locate in these major towns against their wishes.<sup>2</sup>*

This chapter profiles the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination. The central argument of this chapter is that homelands should be adequately resourced by Australian governments and that homeland leaders should be able to actively participate in the development of policies that affect homeland communities.

There are homeland communities throughout Australia – the majority being in Western Australia, the Northern Territory and South Australia. This chapter will focus on the Northern Territory because during the past two years some significant changes have been made to homeland policies which negatively impact on the capacity of these communities to continue in future.

Homelands provide social, spiritual, cultural, health and economic benefits to residents. They are a unique component of the Indigenous social and cultural landscape, enabling residents to live on their ancestral lands. Homelands are governed through traditional kinship structures which provide leadership and local governance. The Productivity Commission has noted that the success factors for overcoming disadvantage in Indigenous communities include:

- cooperative approaches between Indigenous people and government — often with the non-profit and private sectors as well
- community involvement in program design and decision-making — a ‘bottom-up’ rather than ‘top-down’ approach
- good governance — at organisation, community and government levels

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1 P Brown Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

2 P Dodson cited in S Everingham, ‘Killing us softly: Dodson slams outstations plan’, *ABC News Online*, 2 June 2009, <http://www.abc.net.au/news/stories/2009/06/02/2587462.htm> (viewed 7 September 2009).

- ongoing government support — including human, financial and physical resources.<sup>3</sup>

Arguably, the only success factor that is missing for Northern Territory homelands is the last factor. Recent federal and Northern Territory Government policies now limit the resources and support for homeland communities. This means they may not be viable in future.

Various policies now collude to move homeland residents into large townships. Health, housing and education services to homeland communities are now being severely restricted. This means that people will have to live in townships if they want their children to receive a school education or if they want access to housing.

History has shown that moving people from homeland communities into fringe communities in rural towns increases the stresses on resources in rural townships. Some of the documented disadvantages include increased social tensions between different community groups, reduced access to healthy food and lifestyles and loss of cultural practices and livelihoods. This chapter will demonstrate that if government policies fail to support the ongoing development of homelands it will lead to social and economic problems in rural townships that could further entrench Indigenous disadvantage and poverty. This failure to support will also be a significant contributor to the loss of the World's longest surviving continuous culture.

This chapter is divided into seven sections:

- 4.1 Introduction
- 4.2 Definition of homelands
- 4.3 History of the homelands movement
- 4.4 Funding for homelands
- 4.5 The viability of homelands
- 4.6 Conclusion
- 4.7 Recommendation

## 4.2 Definition of homelands

The use of the term 'homeland' or 'outstation' can be interchangeable. Some communities prefer the term 'homeland', particularly communities in the top end of the Northern Territory, and other communities prefer the term 'outstation', mostly communities in the central desert regions. The Northern Territory Government's *Outstations Policy: Community Engagement Report* notes the preference among some communities for the term homeland:

Who changed the name from homelands to outstations? These are our homelands. In Mardayin Law the land has always belonged to the clans, and always will belong to the clans. The Land was never Terra Nullius.

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3 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009* (2009) p 9. At [http://www.pc.gov.au/\\_data/assets/pdf\\_file/0013/90/130/overview-booklet.pdf](http://www.pc.gov.au/_data/assets/pdf_file/0013/90/130/overview-booklet.pdf) (viewed 17 September 2009).

Our ancestors lived on these lands a very long time before the English came here, and every place has its own Wanga-wartangu, its own clan, who are the owners. This never changes. We do not sell our land. Every clan has its own places, and this does not change. We do not have private ownership of land, we have clan ownership. Homelands belong to the clans. They are not outstations of a larger community where people go for a better lifestyle. They are the lands that have always belonged to the clan...They are the homelands of the people and they are the Djalkiri, the heritage of the people.<sup>4</sup>

The Northern Territory Government's *Working Future* policy (2009) uses 'outstations/homelands' as a generic description and interchangeably as appropriate to each location.<sup>5</sup>

This chapter will use the term 'homeland', except for instances where communities self-identify as 'outstations' or when quoting or citing a report or other source that uses the term outstation.

Homelands are located on Aboriginal ancestral lands with cultural and spiritual significance to the Aboriginal people who live there. The connections to land are complex and include cultural, spiritual and environmental obligations, including obligations for the protection of sacred sites.

Homelands vary in size, composition, level of resources, extent of access to potable water and services and in the time of their establishment. Some may be very small; comprising a few families living together. Others may be expanding and developing their own economies and have populations over a hundred people. While some homelands have grown into significant sized communities, in most cases they are smaller than townships and regional centres.

The numbers of people living in homelands can fluctuate at different times and this can significantly change population numbers for a period of time.<sup>6</sup> Homeland residents may relocate temporarily for a variety of reasons such as when they are required to participate in ceremony and other cultural obligations. Parents and guardians may leave homelands to accompany their children who are attending schools in larger centres during school terms. Residents may temporarily relocate to access health services in regional centres or stay in other homelands for therapeutic purposes. While Aboriginal clan groups may be mobile for a variety of reasons, this is not an indication that they wish to permanently vacate their ancestral lands.

New homelands are also established over time. Elders and others set up new homelands when they are unable to live in larger townships due to clan tensions. The situation at Wadeye is an example of this with people moving progressively to outlying community areas.<sup>7</sup>

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4 Socom + DodsonLane (D Suggit, P Dodson and P Lane), *Outstations Policy: Community Engagement Report*, Northern Territory Government, (2009), p 5. At [http://www.workingfuture.nt.gov.au/download/Community\\_Engagement\\_Report.pdf](http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf) (viewed 17 September 2009).

5 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement* (2009). At [http://www.workingfuture.nt.gov.au/download/Headline\\_Policy\\_Statement.pdf](http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf) (viewed 17 September 2009).

6 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 12. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

7 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 13. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

Governments have routinely defined homelands by their size, and provided resources accordingly. For this reason, funding agreements between the Australian and Northern Territory Governments distinguish between larger Indigenous communities, for which the Northern Territory Government has taken primary responsibility, and smaller communities (classed as homelands or outstations), for which the Australian Government retained funding responsibility until 2008.<sup>8</sup>

In 1987 the House of Representatives Standing Committee on Aboriginal Affairs, produced a report: *Return to Country: The Aboriginal Homelands Movement in Australia (Return to Country)*. This report provided commentary about the definition of homelands. It quoted Professor Stanner's views on defining homelands.

No English words are good enough to give a sense of the links between an Aboriginal group and its homeland...A different tradition leaves us tongueless and earless towards this other world of meaning and difference....<sup>9</sup>

According to the *Return to Country* report of 1987, a definition of homelands should include:

- acknowledgement of the significance of Aboriginal peoples moving back to traditional country
- a clear distinction between homelands and settlements, missions or reserves
- an acknowledgement of the traditional connection to the land and the ancestral spirits and
- a description of the permanency of homelands as traditional home territory.

The *Return to Country* report defined homelands as 'small decentralised communities of close kin established by the movement of Aboriginal people to land of social, cultural and economic significance to them'.<sup>10</sup> The Committee noted that many homelands might have 20 to 50 people, but some homelands have larger populations and therefore the definition did not include a numerical scope.

More recently, homelands were defined in the Northern Territory Government's *Community Engagement* report as:

Homelands are the ancestral homes of specific Indigenous groups across the Territory. Their existence...substantially predates the arrival of non-Indigenous Australians.

Homelands represent the intersection of specific areas of country, with individual, social and spiritual Indigenous identities. That is, they do not represent random settlements 'where people go for a better lifestyle' away from the larger communities created by non-Indigenous agents. In contrast, homelands represent particular living areas in which each Indigenous individual and group is based in order to fulfil their own cultural obligations to their inherited country and its underlying traditional Law.<sup>11</sup>

8 G Marks, *Outstation Policy – how we got from there to here* (Paper to the Academy of the Social Sciences in Australia and Centre for Aboriginal Economic Policy Research Forum on homelands/outstations and similar small remote Aboriginal communities across Australia, ANU Canberra, 27–28 October 2009), p 3.

9 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 5.

10 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 7.

11 Socom + DodsonLane (D Suggit, P Dodson and P Lane), *Outstations Policy: Community Engagement Report*, Northern Territory Government, (2009), p 5. At [http://www.workingfuture.nt.gov.au/download/Community\\_Engagement\\_Report.pdf](http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf) (viewed 17 September 2009).

It is incumbent upon governments and administrators to understand the significance and importance of homeland living areas. Any definition of homelands and any policy affecting homelands should recognise the fundamental right of Aboriginal people to live on their country of affiliation and maintain language, custom and cultural practices. These rights are protected under United Nations treaties and declarations.<sup>12</sup>

A broad definition enables a range of types of homelands to be recognised, including community living areas which are excisions on pastoral leases.

### 4.3 History of the homelands movement

#### Text Box 4.1: Timeline on the history of the homelands movement

- 1930s – Aboriginal communities began to be forcibly dislocated from their lands and moved into missions and towns. The ‘assimilation policy’ also commenced in this period and continued until the 1960s.
- 1968 – The Commonwealth Conciliation and Arbitration Commission’s decision in 1966 to amend the *Cattle Station Industry (Northern Territory) Award 1951* led to the introduction of mandatory payment of award wages for Aboriginal pastoral workers. This in turn led to a decline of employment of Aboriginal workers in the pastoral industry and correspondingly widespread movements of Aboriginal workers into centralised settlements.<sup>13</sup>
- 1972 – With the election of the Whitlam government came the disbanding of the assimilation policy in Indigenous affairs, and its replacement with the self-management or self-determination policy. The new policy framework allowed for the start of the homelands movement.
- 1973 – Commonwealth grants were provided to support the homelands movement.
- 1976 – The *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (ALRA) was introduced. Under the Act, land recognised as ‘Aboriginal land’ was either land held by a Land Trust for an estate in fee simple; or land the subject of a deed of grant held in escrow by a Land Council.<sup>14</sup>
- 1977 – Introduction of the Community Development Employment Program (CDEP).

12 See also: Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 24. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

13 The *Commonwealth Conciliation and Arbitration Commission, Cattle Station Industry (Northern Territory) Award 1951*, 7 March 1966. The Conciliation and Arbitration Commission’s decision proposed variations to the *Cattle Station Industry (Northern Territory) Award 1951* to delete the clauses which excluded Aboriginal pastoral workers from the award, but deferred the date of implementation to 1 December 1968. Also discussed in E Johnston, ‘Land Needs: Outstations and the exit option’, *Royal Commission into Aboriginal Deaths in Custody, National Report Volume 2*, (1998) ch 19. At <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol2/index.html> (viewed 17 September 2009).

14 *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*, s 3. At [http://www.austlii.edu.au/au/legis/cth/consol\\_act/alra1976444/s3.html#aboriginal](http://www.austlii.edu.au/au/legis/cth/consol_act/alra1976444/s3.html#aboriginal) (viewed 14 November 2009).

- 1978 – The Northern Territory achieved self-government. The *Memorandum of Understanding in Respect of Financial Arrangements between the Commonwealth and a Self-Governing Northern Territory* provided for the overall responsibility for policy planning and coordination of Indigenous affairs to remain with the Commonwealth. The Commonwealth Government also retained responsibility for approximately 500 homelands/ outstations communities (i.e. small communities on Aboriginal land as recognised under the ALRA or communities on pastoral excision land), and only transferred responsibility for the larger Aboriginal townships to the Northern Territory Government.
- 1987 – House of Representatives Standing Committee on Aboriginal Affairs released the *Return to Country* report. The Committee's recommendations included: government policies and service delivery (including the provision of infrastructure, education, housing and health) be revised to support homelands; the continuation of funding for the establishment of new homelands; funding for homelands resource centres to deliver services to homelands; and the extension of CDEP to all homelands.
- 1990s – The *National Homelands Policy: ATSIC's Policy for outstations, homelands and new and emerging communities* was developed. The policy included criteria for the establishment of new homelands (i.e. secure land tenure, principal place of residence, access to potable water, and supported by a community organisation or homeland resource agency).
- 1997–1998 – ATSIC's Review of resource agencies servicing Indigenous communities, undertaken by John Altman, D Gillespie and K Palmer.
- 2005 – *Overarching Agreement on Indigenous Affairs between the Commonwealth of Australia and the Northern Territory of Australia, 2005–2010* was signed.<sup>15</sup>
- 2007 – *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* recommended the Community Housing and Infrastructure Program (CHIP) be replaced with a new housing program for remote and very remote Indigenous communities, and recommended a shift away from building new housing on outstations and homelands.<sup>16</sup> As a result the moratorium on new housing in outstations that had been in place since 2006 under CHIP, became entrenched.<sup>17</sup>

15 Department of the Chief Minister, Northern Territory Government, *Overarching Agreement on Indigenous Affairs between the Commonwealth of Australia and the Northern Territory of Australia, 2005–2010* (2005). At [http://mysource1.nt.gov.au/\\_data/assets/pdf\\_file/0014/43070/OverarchingAgreement.pdf](http://mysource1.nt.gov.au/_data/assets/pdf_file/0014/43070/OverarchingAgreement.pdf) (viewed 14 November 2009).

16 Department of Families, Community Services and Indigenous Affairs, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* (2007). At <http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/LivingSunburntCountry/Pages/p2.aspx> (viewed 21 December 2009).

17 G Marks, *Submission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At [http://www.aph.gov.au/Senate/Committee/indig\\_ctte/submissions/sub30.pdf](http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf) (viewed 17 September 2009).

- 2007 – The *MOU on Indigenous Housing, Accommodation and Related Services* was signed in September 2007. Under the MOU, the Commonwealth Government handed over responsibility for the delivery of municipal and essential services to homelands to the Northern Territory Government, starting 1 July 2008. The MOU marked the cessation of Commonwealth funding for the 500 plus communities classed as homelands/ outstations and the handover of responsibility to the Northern Territory Government.<sup>18</sup>
- 2007 – In response to the release of Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, titled *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred'*, the federal government introduced a package of legislation to implement a national emergency response purportedly to protect Aboriginal children in the Northern Territory from sexual abuse and family violence. This became known as the 'Northern Territory Intervention' or the 'Northern Territory Emergency Response'.
- 2008 – Under the *Local Government Act 2008* a new framework of municipal and shire councils was created that incorporates the whole of the Northern Territory into local government areas. This included the abolition of existing Aboriginal community councils, and the creation of eight new 'super' shires, each serving a number of remote townships and communities, including areas of land not previously administered by Local Government.
- 2008 – Reforms to the CDEP program and the Indigenous Employment Programs were announced. The reforms which commenced on 1 July 2009, ceased the availability of CDEP in urban, regional and rural areas, and introduced a phased removal from remote areas with all recipients transferring to income support by 2011. This had a significant impact on the retention of a paid workforce in homeland communities.
- 2008 – The Council of Australian Governments agreed to the *National Partnership Agreement on Remote Service Delivery*, which has prioritised delivery of services in 26 selected sites in Australia. 15 of the selected sites are in the Northern Territory.<sup>19</sup>
- 2008 – The Northern Territory Government issued the *Outstations Policy Discussion Paper* for consultation on the development of a Northern Territory Government policy on outstations.
- 2009 – The Northern Territory Government released the *Community Engagement Report: Our home, our homeland*.
- 2009 – The Northern Territory Government released its new headline policy statement on outstations/ homelands – *Working Future: fresh ideas/ real results*.

18 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*. September 2007. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/submissions/sub28\\_attachment\\_8.pdf](http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf) (viewed 16 December 2009)

19 COAG, *National Partnership Agreement on Remote Service Delivery* (2008). At [http://www.coag.gov.au/intergov\\_agreements/federal\\_financial\\_relations/docs/national\\_partnership/national\\_partnership\\_on\\_remote\\_service\\_delivery\\_with\\_amended\\_schedule.rtf](http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.rtf) (viewed 17 September 2009).

The *Return to Country* report remains one of the seminal reports on the history of the homelands movement.<sup>20</sup> It noted that the homelands movement was in fact a reaction to the forced dislocation of Aboriginal people from their lands into centralised towns and missions since the 1930s.<sup>21</sup>

Critical to the movement was the intent of Aboriginal people to reoccupy traditional country and to fulfil the religious and social obligations to care for country. Going back to traditional lands also gave people an opportunity to remove themselves from the social and economic problems that plagued many of the towns and mission areas. Such problems arose partially as a result of different clans and language groups being brought together to live in close proximity on another clan's land. The cultural inappropriateness of forcing different groups to live together in one area, and denying them access to their own lands, caused tensions between the different groups. These tensions continue today. Further, the conditions in the missions and camps were often very poor – minimal housing and infrastructure and limited education options manifested in high mortality levels, poor health, high levels of alcohol abuse and other social problems.<sup>22</sup> The aim of the homelands movement was to re-establish Aboriginal lifestyles and livelihoods and to assert autonomy and social and economic independence on one's own land.<sup>23</sup>

Therefore, as soon as government policy shifted to allow Aboriginal people to move back to country, people began to immediately re-establish their traditional homes and communities. This was the start of the homelands movement in the 1970s.

Some of the key policy changes that allowed the homelands movement to emerge during the 1970s and 80s included:

- Change in government policy from 'assimilation' to 'self-determination' (1970s). This allowed for greater scope for Aboriginal communities to make decisions about where they wanted to live and how.
- Granting of land rights to Aboriginal and Torres Strait Islander peoples – enabling Aboriginal people to own their traditional lands and to establish communities on the lands.
- Commonwealth Government support for the homelands movement through grants, recognising and validating homelands and providing resources and financial support for their establishment.
- Provision of social security payments for Aboriginal people – ensuring that Aboriginal people living in areas with reduced access to mainstream employment opportunities had equal rights to social security. The income enabled Aboriginal people to supplement their subsistence economies on homelands.

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20 Other useful reports and papers on the homelands movement include: HC Coombs, 'Homeland Movement', in HC Coombs, *Aboriginal Autonomy* (1994); J Altman, *In search of an outstations policy for Indigenous Australians*, CAEPR Working Paper 34 (2006). At [www.anu.edu.au/caepr/working.php](http://www.anu.edu.au/caepr/working.php) (viewed 17 September 2009); G Marks, *Submission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At [http://www.aph.gov.au/Senate/Committee/indig\\_ctte/submissions/sub30.pdf](http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf) (viewed 17 September 2009); J Downing and M Smith, *Ngurra walytja, country of my spirit* (1988).

21 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 8.

22 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 14.

23 E Johnston, 'Land Needs: Outstations and the exit option', *Royal Commission into Aboriginal Deaths in Custody, National Report Volume 2*, (1998) ch 19. At <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol2/index.html> (viewed 17 September 2009).



- Homelands resource centres – homelands resource centres have been in existence during the last 20 years. They are Indigenous community-controlled organizations that provide municipal and technical services to homeland communities. These centres were funded by the Commonwealth, based on per capita homeland populations. The centres employed technically qualified personnel, or where necessary, paid subcontractors to carry out maintenance tasks. Some resource agencies were also funded by the Commonwealth as CDEP organisations. The CDEP organisations were able to recruit community members for municipal works program in the homelands. Other resource centres provided housing management and maintenance services in homelands, collecting rent and receiving annual maintenance funds allocated on a per house basis from the state and territory housing departments.<sup>24</sup>

Since the 1970s there has been a steady growth in homeland populations. In 1981 there was an estimated 165 homeland communities with a total population of 4,200 people throughout Australia.<sup>25</sup> By 2001 the Community Housing and Infrastructure Needs Survey (CHINS) estimated there were 991 discrete communities with a population of less than 100 people – with an average size of 20 people and a total number of 19,817 people.<sup>26</sup> In 2006, of the 93,000 Aboriginal and Torres Strait Islander peoples living in discrete Indigenous communities, nearly 33 per cent of people were in communities with less than 200 residents.<sup>27</sup> The Northern Territory has the highest proportion of Indigenous people living in discrete communities, approximately 45 per cent, with 81 per cent of its Indigenous population living in remote or very remote areas.<sup>28</sup>

#### 4.4 Funding for homelands

To a large extent homeland communities have been self-resourcing; reliant on local resources and subsistence livelihoods. However, this has been supplemented to varying degrees by government funding. For instance, since the 1960s, the Community Housing and Infrastructure Program (CHIP) provided grants to Indigenous community housing organisations, state and territory government agencies and local governments to deliver housing, infrastructure and municipal services for Indigenous communities in urban, rural and remote areas – including in homeland communities. Responsibility for the program was transferred to the Department of Family and Community Services in July 2004. The program ceased in 2008 after a

24 M Anda and S Dallas, *Delivering Essential Services in Desert Indigenous Settlements*, (Paper to the National Housing Conference, Perth, 28–29 October 2005), pp 310–311. At <http://www.nationalhousingconference.org.au/downloads/2005/Refereed/15Anda.pdf> (viewed 17 September 2009).

25 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 18.

26 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2001*, Cat. no. 4710.0 (2001), p 14. At <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4710.0Main+Features12001?OpenDocument> (viewed 17 September 2009).

27 Senate Select Committee on Regional and Remote Indigenous Communities, Parliament of Australia, *First Report* (2008), pars 2.4 and 2.10. At [http://www.aph.gov.au/Senate/Committee/indig\\_ctte/reports/2008/report1/c02.htm](http://www.aph.gov.au/Senate/Committee/indig_ctte/reports/2008/report1/c02.htm) (viewed 17 September 2009).

28 Senate Select Committee on Regional and Remote Indigenous Communities, Parliament of Australia, *First Report* (2008), par 2.6. At [http://www.aph.gov.au/Senate/Committee/indig\\_ctte/reports/2008/report1/c02.htm](http://www.aph.gov.au/Senate/Committee/indig_ctte/reports/2008/report1/c02.htm) (viewed 17 September 2009).

review recommended its closure.<sup>29</sup> In 1973 the Commonwealth Government began providing grants to meet the costs of establishing homelands. Commonwealth funded programs such as the CDEP have also been a source of financial support for people in homeland communities.

In 1978, the Northern Territory achieved self-government. The *Memorandum of Understanding in Respect of Financial Arrangements between the Commonwealth and a Self-Governing Northern Territory* gave the Commonwealth overall responsibility for Aboriginal affairs including responsibility for homelands – this included the building of new infrastructure and essential service infrastructure. Under this MOU, the Northern Territory Government had responsibility to provide the homelands with the programs and resources routinely provided through local government municipal services. The Commonwealth retained responsibility for the homelands until 2008.

In September 2007 the Commonwealth and the Northern Territory Governments signed a further Memorandum of Understanding. This one was to transfer the responsibility for Indigenous housing and infrastructure to the Northern Territory Government. The MOU was entitled *Indigenous Housing, Accommodation and Related Services* and it specified that the Commonwealth was to have ‘no further responsibility for the delivery of Indigenous housing, municipal, essential and infrastructure services in the Northern Territory from 1 July 2008’.<sup>30</sup>

Under the MOU, the 500 homelands in the Northern Territory were categorised as ‘third order priority’ communities that ‘will have access to *Housing on Indigenous Land (HOIL)* program funds<sup>31</sup> (but) no Australian Government funding will be provided to construct housing on outstations/ homelands’.<sup>32</sup> Consequently, homelands and other smaller Indigenous communities do not receive any assistance under related programs and homelands are not a priority for federal programs under the COAG National Indigenous Reform Agreement, and related National Partnership Agreements.

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29 In 2007, the Community Housing and Infrastructure Program (CHIP) was reviewed. The review report, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme*, identified problems relating to the limited availability of public housing and private rental housing; and limited opportunities for home ownership. The report recommended CHIP be replaced with a new housing program for remote and very remote Indigenous communities, and recommended a shift away from building new housing on outstations and homelands. As a result of the closure of CHIP, many of the previous Indigenous housing programs were incorporated into mainstream housing programs. (Department of Families, Community Services and Indigenous Affairs, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* (2007). At <http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/LivingSunburntCountry/Pages/p2.aspx>). The new Australian Remote Indigenous Accommodation Program was introduced in 2008/09, which forms part of the National Partnership Agreement on Remote Indigenous Housing (2009) (<http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/RemoteIndigenousHousing.aspx>).

30 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/submissions/sub28\\_attachment\\_8.pdf](http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf) (viewed 7 September 2009).

31 The Home Ownership on Indigenous Land (HOIL) program aims to provide home ownership as a viable option for Indigenous people who are able to obtain a long-term transferable lease on Indigenous land and who are able to service a home loan through Indigenous Business Australia. The program was announced as a 2006–2007 Budget measure, with approximately \$107.4 million allocated over a period of four years. Department of Families, Housing, Community Services and Indigenous Affairs, *Home Ownership on Indigenous Land*, <http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/HomeOwnershiponIndigenousLand.aspx> (viewed 1 December 2009).

32 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 17. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/submissions/sub28\\_attachment\\_8.pdf](http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf) (viewed 7 September 2009).

The MOU provided the Northern Territory Government with funding of \$793 million to deliver Indigenous housing and services. It included a specified allocation of \$20 million per year for the first three years to fund municipal, essential and infrastructure services for homeland communities.<sup>33</sup> The Northern Territory Government noted in the MOU that \$20 million would be ‘an insufficient amount to fund adequate services to outstations’ and the ‘unmet need for infrastructure in some outstations’.<sup>34</sup>

The 2009 Senate Select Committee on Regional and Remote Indigenous Communities noted that the Northern Territory Government allocates an additional \$8 million per annum for housing repairs and maintenance and the Commonwealth Government has also provided \$5.5 million to the CDEP places to municipal and essential services positions.<sup>35</sup> These allocations will not begin to address the future housing and infrastructure needs of homelands across the Northern Territory, particularly given the backlog demand for housing and related infrastructure that exists in these communities.

The cessation of housing funding for homelands will seriously compromise their future. As noted in a submission to the Senate Select Committee on Regional and Remote Indigenous Communities:

The major implication is no new housing for outstations. Some satellite communities close to larger settlements might get under the radar and get funded, but otherwise the huge investment in housing on Indigenous outstations and homelands to date is basically to be left to depreciate to worthlessness. There is no replacement program, let alone additional housing. The significant unmet demand and backlog, and the rapidly growing population, are all to be ignored. The only way to obtain housing in future will be to move back to the large communities. The message to Aboriginal people is clear.<sup>36</sup>

The new funding arrangements of the MOU were made without consultation with affected homeland communities. However, when the implications of the MOU became clear, homeland associations and advocates became vocal about its implications. In response, the Northern Territory Government released a discussion paper and engaged consultants Socom, Dodson and Lane to conduct community consultations to inform homeland communities about the new policy and funding arrangements and to develop a report on homeland administrative arrangements.<sup>37</sup>

33 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 24. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/submissions/sub28\\_attachment\\_8.pdf](http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf) (viewed 7 September 2009).

34 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 25. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/submissions/sub28\\_attachment\\_8.pdf](http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf) (viewed 7 September 2009).

35 Senate Select Committee on Regional and Remote Indigenous Communities, *Third Report 2009*, 2009, p 33. At [http://www.aph.gov.au/Senate/committee/indig\\_ctte/reports/2009/report3/report.pdf](http://www.aph.gov.au/Senate/committee/indig_ctte/reports/2009/report3/report.pdf) (viewed 3 December 2009).

36 Greg Marks, *Submission 30*, p. 6, cited in Senate Select Committee on Regional and Remote Indigenous Communities, *First Report* (2008) par 4.49. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/reports/2008/report1/c04.ht](http://www.aph.gov.au/senate/committee/indig_ctte/reports/2008/report1/c04.ht) (viewed 17 September 2009).

37 Northern Territory Government, ‘Outstations Consultations to Continue’ (Media Release, 2 December 2008). At <http://newsroom.nt.gov.au/index.cfm?fuseaction=printRelease&ID=4854> (viewed 23 October 2009).

The resultant report, entitled *Northern Territory Government Outstations Policy: Community Engagement Report*, was informed by submissions from homeland leaders, residents, advocates and others. There have been questions about the extent to which the Northern Territory's new homelands policy has taken heed of the recommendations of this report.<sup>38</sup> The new Northern Territory policy, *Working Future* outlines eligibility criteria for services to homelands.<sup>39</sup>

**Text Box 4.2: Excerpts from *Working Future: Fresh ideas/ real results – Outstations/ homelands policy*<sup>40</sup>**

*Criteria for Support*

The following criteria must be met as a pre-condition for support to any outstation/ homeland:

- the outstation/ homeland must be an existing outstation
- the outstation/ homeland must be the principal place of residence
- there must be an adequate potable water supply
- outstation residents must commit to increasing self-sufficiency, including through reasonable levels of contribution towards services.

The Northern Territory Government will not financially support the establishment of new outstations and homelands.

*Service Delivery*

- Government services to outstations/ homelands will in most cases involve a form of remote delivery, based from the closest or most accessible hub town.
- Government will work towards the development and publication of a Statement of Expectation of Service Delivery to Outstation Residents (SESDOR), identifying service delivery and access points (hub towns and service centres) for Government services such as education, health and police.

*Education*

- Government will provide support to smaller outstations/ homelands through a range of delivery models including transport to hub town schools, boarding facilities in hub towns and distance learning.

38 S Everingham, 'Killing us softly: Dodson slams outstations plan', *ABC News Online*, 2 June 2009, <http://www.abc.net.au/news/stories/2009/06/02/2587462.htm> (viewed 7 September 2009).

39 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement (2009)*. At [http://www.workingfuture.nt.gov.au/download/Headline\\_Policy\\_Statement.pdf](http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf) (viewed 17 September 2009).

40 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement (2009)*. At [http://www.workingfuture.nt.gov.au/download/Headline\\_Policy\\_Statement.pdf](http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf) (viewed 17 September 2009).

- Government will continue to provide support to larger outstations/ homelands and homeland clusters through schools, homeland learning centres and residential models.

*Service Delivery Organisations*

- Outstation/ homeland service delivery organisations will be required to develop an annual service delivery plan (based on the SESDOR) for each outstation/ homeland. Service delivery organisations will negotiate this plan with outstation/ homeland residents and provide outstation/ homeland residents with a copy of this plan.

*Self-sufficiency*

- Reasonable levels of financial contributions from outstation/ homeland residents for the installation and maintenance of water, electricity and sanitation is a reasonable expectation of Government.
- Owners of houses on private and communal land are primarily responsible for repairs and maintenance of their assets, including water supplies.

*Housing*

- In accordance with the 'Memorandum of Understanding with the Northern Territory Government, September 2007', the Australian Government will not provide funding to construct housing on outstations in the Northern Territory.

*Information base*

- A comprehensive information base on outstations/ homelands will be developed and maintained to inform policy implementation, monitoring and evaluation.

*Economic Development*

- The future of outstations/ homelands lies in their successful innovation and utilisation of emerging economic opportunities and technologies and not ongoing reliance on government support.

The Northern Territory Government has reported that some elements of the *Working Future* policy remain to be finalised and it is currently conducting Stage 4 of the homelands and outstations consultations. This work is expected to be complete by 15 December 2009. The purpose of these consultations is to formulate a detailed funding allocation model that will be implemented on 1 July 2010. The consultations are to identify potential gaps in funding for services and support to homelands and outstations.<sup>41</sup>

Homelands will also miss out on Commonwealth Government funding. Since 2007 funding for addressing Indigenous disadvantage has been identified through COAG agreements. The National Indigenous Reform Agreement is one of six new National Agreements between the Commonwealth and state/ territory governments. It is intended to drive the policies for 'closing the gap' in Indigenous disadvantage.

41 Senate Select Committee on Regional and Remote Indigenous Communities, *Third Report* (2009), p 34. At [http://www.aph.gov.au/Senate/committee/indig\\_ctte/reports/2009/report3/report.pdf](http://www.aph.gov.au/Senate/committee/indig_ctte/reports/2009/report3/report.pdf) (viewed 3 December 2009).

The National Indigenous Reform Agreement has five National Partnership Agreements related to Indigenous service delivery which include:

- Remote Indigenous Service Delivery;<sup>42</sup>
- Indigenous Economic Participation;
- Indigenous Early Childhood Development;
- Indigenous Health; and
- Remote Indigenous Housing.

Much of this COAG funding goes to large townships and not homelands. For example, only 15 Territory growth towns were identified for support under the COAG National Partnership Agreement on Remote Service Delivery.

Over the years there have been variable levels of government support for homeland communities. In 1987 the *Return to Country* report found that ‘...while the Commonwealth, through the Department of Aboriginal Affairs and other Federal departments and agencies, has supported the homelands movements by developing broadly supportive policies and guidelines, the states and Northern Territory have been reluctant to divert significant resources to homeland centres...’<sup>43</sup> The limited resources for infrastructure and maintenance over time has meant that the homelands now have a low resource base.

In its submission to the Northern Territory Government, the Australian Human Rights Commission noted that overall, homeland populations have been under-resourced and underfunded for many years.

Due to the relatively small populations of homelands and their dispersal over large unpopulated regions, many homeland residents have to temporarily relocate to access services. For example, there are limited education services to homelands communities. To date, governments have no firm estimates of the number of school-aged children across the Northern Territory who have **no** access to school education, and school staffing is allocated on the basis of school attendance rather than population estimates.<sup>44</sup>

### 4.5 The viability of homelands

Since the 1980s there has been some debate on the viability of homeland communities. The debate has focussed on the extent to which governments can justify their expenditure given the relatively small population sizes of homeland communities. Homeland residents and advocates have argued that homelands are a necessary and preferred way of life for many Aboriginal people. Denying people the means to live on traditional lands is denying them the fundamental rights to self determination.

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42 The statutory office for the Coordinator General of Remote Services was established in June 2009. The Commonwealth Government has committed \$9 million over four years to the creation of this office in its 2009–10 Budget. The Coordinator General is responsible for the implementation of reforms in housing, infrastructure and employment in remote Indigenous communities, and is to report to the Commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs.

43 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 55.

44 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 11. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

Helen Hughes, a commentator from the Centre for Independent Studies, has erroneously argued that homeland communities are not economically or socially viable. She argues that the relative deprivation of homeland communities is not due to a lack of government expenditure, but rather to unequal services in education, housing and healthcare. Over time this has led communities into welfare dependency and the erosion of families and their communities.<sup>45</sup>

In contrast, the Senate Select Committee on Regional and Remote Indigenous Communities noted in its 2008 report that it is the ‘ambiguity and even absence of policy ...that is having a large impact on the wellbeing of these communities’.<sup>46</sup>

Similar concerns were raised in a previous Senate review in the 1980s. The *Return to Country* report found that governments had tended to limit their role in homelands to providing only the most basic of facilities, often due to the expense of providing facilities and services to homelands and the prioritisation of provision for larger communities.<sup>47</sup> The Committee concluded that governments should provide an adequate standard of facilities and services to homeland communities, with the proviso that both governments and homeland groups ‘must be prepared to make compromises to ensure that the homelands movement has a strong future’.<sup>48</sup>

Richard Norton of the Laynhapuy Homelands Association has argued that ideas of homelands being ‘cultural museums’ that miss out on mainstream benefits are myths that have misinformed the debate and need to be debunked. He argues that homeland communities have been, and continue to be established as a result of informed choices by communities to live a better lifestyle for themselves and their children on homelands.<sup>49</sup> This intent was captured by one of the homeland leaders in a Statement from Yananyumul Mununggurr of Laynhapuy Homelands Association in March 2009:

Being in our Homelands, means that the land owns us, our identity comes from this land, our Homelands have stories behind them, which is done on bark paintings, sung in our song lines, danced in our dances; our language comes from this land, and the history of our land has been handed down generation after generation.

We are traditional people and we would like to keep it that way, we want our culture, language, identity to stay strong forever and at the same time we would like to adapt to that of mainstream Australia.

We are not moving from our Homelands, we are here to stay, we have rights to live and work in our Country; we are interconnected with each other and with our land.<sup>50</sup>

Respected commentators such as John Altman of the Centre for Aboriginal Economic Policy and Research, and Greg Marks, both of whom have worked with homeland communities for several years, have also commented positively on the viability of the homelands movement, but have also noted that homelands have been undermined

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45 H Hughes, ‘The Economics of Indigenous Deprivation and Proposals for reform’, *Issue Analysis* No 63 (2005), p 1.

46 Senate Select Committee on Regional and Remote Indigenous Communities, *First Report* (2008) par 4.49. At [http://www.aph.gov.au/senate/committee/indig\\_ctte/reports/2008/report1/c04.ht](http://www.aph.gov.au/senate/committee/indig_ctte/reports/2008/report1/c04.ht) (viewed 17 September 2009).

47 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 258.

48 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 259.

49 R Norton (Laynhapuy Homelands Association Incorporated), *How Yolŋu organisations are developing Indigenous creative partnerships in the top end* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

50 Y Mununggurr, *Laynhapuy Homelands Statement*, 22 March 2009.

as a result of the lack of government investment in housing infrastructure and municipal and other services in homeland communities.<sup>51</sup>

Australian Government Ministers, such as the Hon. Warren Snowdon, Minister for Indigenous Health, Rural and Regional Health and Regional Services, have also recognised the viability of the homelands movement:

Outstations or homelands as they are more generally known have been an integral part of the Northern Territory community for decades. They were developed by Indigenous people as a deliberate strategy to improve their own health and well-being.

... the homelands movement started despite governments not because of them... they were a calculated and deliberate strategy to provide opportunities for Indigenous people to exercise their cultural responsibilities, and improve health and safeguard families. It is one of the very few initiatives in Indigenous affairs which has actually worked and continues to work to this day.

In recent times there has grown a view that homelands are not viable... That they are beyond the reach of law enforcement, represent some sort of failed Utopian experiment, and should not be encouraged and should not be supported. However contrary to such a view there is very strong evidence that homelands provide positive, creative and constructive lifestyle choices for Indigenous people.<sup>52</sup>

Aboriginal residents from the Yolŋu homelands identify the purpose of homelands in the following terms: 'to determine our own future, to manage our own affairs, to become self-sufficient so the homeland mala can continue to live in peace and harmony'.<sup>53</sup> The very same purpose was recognised by the Australian Parliament in the *Return to Country* report as early as 1986:

The homelands movement has been very much an Aboriginal initiative, distinguishing it from many other residential situations of Aboriginal peoples which have been the result of direct or indirect government influence. ...it is a clear statement by the Aboriginal people involved of the sort of future they wish for themselves and their children, a future on land to which they have spiritual and economic ties and a future over which they have much greater control.<sup>54</sup>

The homelands movement emerged during the era of Aboriginal and Torres Strait Islander peoples claiming their right to self-determination, and it has continued to be sustained on this principle of self-determination, that is now recognised in articles 1, 3 and 4 of the *UN Declaration on the Rights of Indigenous Peoples*.

Homelands have been established, developed and maintained predominantly by Aboriginal and Torres Strait Islander peoples, in conjunction with Indigenous owned and run resource centres. The Laynhapuy Homelands Association is an example of an effective homelands resource centre that is Aboriginal owned and run. It supports 24 homelands in North East Arnhem Land.<sup>55</sup>

51 J Altman, *In search of an outstations policy for Indigenous Australians*, CAEPR Working Paper 34 (2006). At [www.anu.edu.au/caepr/working.php](http://www.anu.edu.au/caepr/working.php) (viewed 17 September 2009); G Marks, *Submission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At [http://www.aph.gov.au/Senate/Committee/indig\\_ctte/submissions/sub30.pdf](http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf) (viewed 17 September 2009).

52 W Snowdon, *Health, Homelands and Creativity* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009). At <http://www.warrensnowdon.com/speeches/090808.htm> (viewed 17 September 2009).

53 Laynhapuy Homelands Association Incorporated, *Background Information Sheet* (2009), p 3.

54 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 257.

55 Tjuwanpa Outstation Resource Centre Aboriginal Corporation is another example, and their approach is outlined in Tjuwanpa Outstation Resource Centre Aboriginal Corporation and A Kennedy, Southern Cross University, Desert Knowledge, *Submission to The Northern Territory Government Outstations Policy* (2008). At [http://www.desertknowledgecrc.com.au/news/downloads/DKCRC\\_Tjuwanpa-outstations-submission.pdf](http://www.desertknowledgecrc.com.au/news/downloads/DKCRC_Tjuwanpa-outstations-submission.pdf) (viewed 17 September 2009).





Laynhapuy Homelands Association (Photo: Fabienne Balsamo 2009)

#### Case Study 4.1: Laynhapuy Homelands Association Incorporated<sup>56</sup>

Laynhapuy Homelands Association Incorporated is located in Yirrkala, Northern Territory. It is a member based association of Yolŋu clans from the Laynhapuy, Djalkirripuyngu and Miyarrkapuyngu areas of North East Arnhem Land, and more recently the clan groups from Gapuwiyak homelands.<sup>57</sup>

In April 1972, senior Aboriginal leaders and their extended families decided to move back to their traditional clan land and sea country. The self-reliance and ethos of community development underlay the establishment of each community from the start. Community members cleared their air strips, mainly by hand, and built the early houses using homeland timber and residents' labour, under the supervision of qualified builders. In 1985 the homeland communities established the Laynhapuy Homelands Association Incorporated, from which they source service and infrastructure support.

56 Information for this case study was provided by Laynhapuy Homelands Association Incorporated, in their background information sheet, and through discussions with the Associations Board members in 2009.

57 The member clans include: Gupa Djapu, Dhudi Djapu, Rirratjingu, Gupapuyngu, Dati'wuy, Ngaymil, Warramiri, Wangurri, Djambarrpuyngu, Gupa Gumatj, Burrawanga, Gumatj, Yarrwidi, Gumatj, Wunungmurra, Dhalwangu, Munyuku, Djarrwark, Madarrpa, Manggalili, Marrakulu, Golumala, Marrangu.

Today there are 24 permanently occupied homelands<sup>58</sup> that are serviced and supported by Laynhapuy Homelands Association Incorporated. They have a population of 1200 residents during the dry season and 800 residents during the wet season. The largest homeland has an approximate population of 150 people. The homelands are based up to 300 kilometers from Yirrkala and spread across an area of 10,500 square kilometres. The homelands are all on Aboriginal land held as inalienable freehold title by the Arnhem Land Aboriginal Lands Trust, established under the *Aboriginal Land Rights Act (Northern Territory) 1976*.

The Association is incorporated under the *Northern Territory Associations Act* as a not for profit organisation with the tax status of a public benevolent institution and a tax deductible gift recipient.

The Association has an Aboriginal Board of Directors and employed staff. 75% of all salaried staff positions are held by local Yolŋu people. This includes apprentices in construction, health workers, truck drivers, administrative staff, managers, rangers, project and field staff and the Chief Executive Officer.

The Association is structured to provide services and support to member homeland communities for:

- Maintenance and protection of country and culture
- Employment training and economic development
- Communication and infrastructure
- Health, social welfare, community development and education.

The resource centre assists in the maintenance of 20 airstrips, 150 dwellings, bores, tanks and power supply systems, 5 homeland offices and related phone, fax, internet communication systems, 9 homeland clinics/ clinic rooms and 540 kilometers of minor roads.

The resource centre has also established the Yirrkala ranger program (including the Indigenous Protected Area) which enables traditional owners to be involved in the cultural and environmental management of their land and sea country.

In addition to the resource centre, the Association is a CDEP provider, managing 310 CDEP participants. There is currently an unmet demand for a further 410 places.

Primary school education is provided in 5 homelands by the Northern Territory Education Department, through the Yirrkala Homelands Schools. Secondary education is provided through a boarding school established in the homeland Garthalala. The secondary school and boarding facilities were constructed and funded by the community, with construction assistance provided by Rotary volunteers.<sup>59</sup> A VOQ training facility was established in 2007 at Yilpara homeland and further training facilities are planned for Gangan, Wandawuy, Dhalinybuy and Garthalala homelands, where construction is to begin soon.

The Laynhapuy Aviation Pty Ltd was established in 1987 to provide regular transport for homeland community members.

The member homelands of Laynhapuy Homelands Association Incorporated demonstrate 30 years of independent, community based development and self-management.

58 The 19 homelands include: Barraratjipi, Barrkira, Bawaka, Bukudal, Buymarr, Dhalinbuy, Dhuruputjipi, Djarrakpi, Galkila, Gangan, Garthalala, Gurkaway, Gurrumuru, Gutjangan, Rurrangala, Wandawuy, Yanguibi, Yiplara and Yudu Yudu. In 2008 the Association extended support to a further eight homelands: Dondydji, Raymingirr, Burrum, Yalakun, Balma, Baygurrji, Mirrngatja and Bunhanura.

59 For details of the secondary school at Garthalala, see the case study in Aboriginal and Torres Strait Islander Social Justice Commissioner *Social Justice Report 2007* (2007). At [http://humanrights.gov.au/social\\_justice/sj\\_report/sjreport07/index.html](http://humanrights.gov.au/social_justice/sj_report/sjreport07/index.html) (viewed 17 September 2009).

This is our land, our songlines. We are not moving. We will live and die here. We know the sacred sites on this land, we know the names of the bays and the rivers. We have the sea rights and the land rights. These need to be recognised. We own and live in these places. As soon as we got these rights people went back to their lands and have remained there. We are not going back to another people's country. We want to live and work and see our children grow up in the homelands. We have rights there. It is better to have self-management. The government should accept this.

(Laynhapuy Homelands Association Incorporated Board Member)

#### *Factors for success*

The cultural integrity retained amongst the communities of these homelands, signified by their maintenance of language and cultural traditions, and their active engagement in the development of their homeland communities, is for these communities an indicator of the success and effectiveness of the homelands movement. In addition the Association reports that the homelands are alcohol free, so issues such as alcohol related violence, anti-social behaviour and gambling are not significant problems. Similarly, reports of child abuse are low, while health status and school attendance are reportedly better than in larger, centralised communities.

### **(a) Homelands – realisation of the right to health**

While homeland communities can suffer from a lack of access to health care services, there is a wealth of research demonstrating the positive health benefits derived from living on homelands.<sup>60</sup>

Evidence from a study conducted over a ten year interval at the Utopia homelands in the Northern Territory found that 'mortality rates at the Utopia community were substantially lower than for Indigenous people in the Northern Territory as a whole... The factors associated with the particularly good outcomes here are likely to include outstation living, with its attendant benefits for physical activity and diet and limited access to alcohol, as well as social factors, including connectedness to culture, family and land, and opportunities for self-determination.'<sup>61</sup> This is consistent with other research that also found lower incidences of mortality, hospitalisation, hypertension, diabetes and injury among Aboriginal people living in homelands, compared to living in centralised settlements.<sup>62</sup>

60 A list of the key research papers on the health benefits of living on homelands are referred to in: Central Land Council, *Briefing Paper: Keeping Homelands Alive: Evidence that supports the continued resourcing of dispersed settlements* (2009). At [http://www.clc.org.au/Media/issues/Outstations\\_briefing\\_paper.pdf](http://www.clc.org.au/Media/issues/Outstations_briefing_paper.pdf) (viewed 17 September 2009). See also C Ganesharaja *Indigenous health and wellbeing: The importance of country*, Native Title Research Report No 1/2009 (2009). At <http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf> (viewed 17 September 2009).

61 K Rowley, K O'Dea, et. al., 'Lower than expected morbidity and mortality for an Australian Aboriginal population: 10-year follow-up in a decentralised community', *Medical Journal of Australia* (2008). At [http://www.mja.com.au/public/issues/188\\_05\\_030308/row10886\\_fm.html](http://www.mja.com.au/public/issues/188_05_030308/row10886_fm.html) (viewed 17 September 2009).

62 R McDermott, K O'Dea, K Rowley, S Knight and P Burgess 'Beneficial impact of the homelands movement on health outcomes in central Australian aborigines', *Australian and New Zealand Journal of Public Health*, Vol 22(6) (1998) pp 653–8. At <http://www.ncbi.nlm.nih.gov/pubmed/9848958?dopt=Abstract> (viewed 17 September 2009). See also K Rowley, K Gault, A McDermott et al, 'Reduced Prevalence of Impaired Glucose Tolerance and no Change in Prevalence of Diabetes Despite Increasing BMI among Aboriginal People from a Group of Remote Homeland Communities', *Diabetes Care*, Vol 23 (2000) pp 898–904.

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A large element of the health benefit is the social and emotional well being many homeland community members derive from living on country in smaller communities – removed from stressors such as community conflicts, alcohol and violence.<sup>63</sup>

The following case study of the Mt Theo Outstation shows how one community used its traditional country to run a social well-being program for young Aboriginal people engaging in risky behaviours.



Mt Theo Outstation (Photo: Fabienne Balsamo 2009)

63 A cross-sectional study of 298 Indigenous adults aged from an Arnhem Land community in 2005 showed that greater Indigenous participation in caring for country activities was associated with significantly better health. CP Burgess, FH Johnston, DM Bowman, PJ Whitehead, 'Healthy Country: Healthy People? Exploring the health benefits of Indigenous Natural Resource Management', *Australian and New Zealand Journal of Public Health*, Vol 29(2) (2005), pp 117–122. At [http://www.mja.com.au/public/issues/190\\_10\\_180509/bur11368\\_fm.html](http://www.mja.com.au/public/issues/190_10_180509/bur11368_fm.html) (viewed 17 September 2009)

**Case Study 4.2: Mt Theo Outstation<sup>64</sup>**

The Mt Theo outstation lies on the lands of Johnny Japangardi Miller and his family. It is located 160 kilometres from Yuendumu, a remote Aboriginal township on the edge of the Tanami Desert in the Northern Territory. The Miller family lives and moves between Yuendumu and Mt Theo.

In 1994 Johnny, with his wife Peggy Brown, Andrew Stojanovski and the support of other Warlpirri elders and local community organisations in Yuendumu, created the Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation. It was a Corporation with an aim to provide rehabilitation for young petrol sniffers from Yuendumu. The rehabilitation was to take place at the Mt Theo Outstation.

In 1994 there were more than 70 regular 'sniffers' in Yuendumu from an estimated population of around 800–1,000 people. The community was facing significant problems at the hands of the sniffers, including violence and property damage.<sup>65</sup>

The aim of the Mt Theo program was to create a space where young people with substance abuse problems could be isolated and given time and therapy to assist them to recover and heal. It was to be a place where youth could learn traditional culture and break their addiction.<sup>66</sup>

*How the program works*

Initially, young sniffers were sent to Mt Theo by community consent for at least one month and more often for two to three months. The program adopted a zero tolerance approach and a solid model of early intervention to ensure there was an immediate response for any young person engaging in petrol sniffing.

The program is based on elders providing cultural healing and coordinating outdoor activities such as gardening and traditional hunting. Many of Johnny and Peggy's family members are involved in running the program. Family members live out on the Outstation while caring for the children. The family members of the young people were also allowed to go and visit and often stay as well.

They learn by themselves to behave, look to the future, and see how to treat their children. It is about bringing real change in young people's lives. If Mt Theo wasn't there, we would have seen a lot more kids dying.<sup>67</sup>

64 This case study was based on information gathered from Peggy Brown and Johnny Miller during a visit to Mt Theo by Commission staff in May 2009. The term 'outstation' is used in this case study as this is the preferred term used by the members of Mt Theo.

65 Australian for Native Title and Reconciliation, 'Putting the brakes on petrol sniffing (Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation, Northern Territory)', *Success Stories in Indigenous Health: A showcase of successful Aboriginal and Torres Strait Islander health projects* (2007). At <http://www.antar.org.au/node/196> (viewed 17 September 2009).

66 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At [http://www.mttheo.org/pdf/mt\\_theo\\_story.pdf](http://www.mttheo.org/pdf/mt_theo_story.pdf) (viewed 17 September 2009).

67 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

The closest main road to Mt Theo is 50kms away. So the family built a feeder road to Mt Theo themselves. At first they lived in wooden humpies and had only a small hand pump on the site. Gradually they erected small corrugated metal sheds at the site for the children and undertook all aspects of care for the children while they were placed out there. As the program grew, there was a need for more infrastructure on the site to accommodate the youth and their visiting family members. The council built a building on the site for the program in the 1990s. More recently new dormitories for both boys and girls, with a kitchen and toilets were built. There is also a solar phone, electricity and water on site. The program receives government funding for salaries for 8 people.

At the height of the program, a teacher from Yuendumu attended one day a week to teach reading and writing to the residents. This has since ceased as there is not a regular and sustained student population at Mt Theo now.

For many years the Mt Theo community had been lobbying for low aromatic and non-intoxicating fuel – Opal fuel to stop petrol sniffing. With the introduction of Opal fuel in 2007 the number of petrol sniffers in Yuendumu reduced to zero. Mt Theo Outstation now operates as a place of rehabilitation for young people with any ‘at risk’ behaviours such as substance abuse, violence or mental health problems. Young people are referred to Mt Theo Outstation by community Elders, police and the Corrections Department.<sup>68</sup> Mt Theo has also extended its services to Warlpiri young people beyond Yuendumu. As of 2008, Mt Theo Outstation has taken over 500 young Warlpiri clients from over 14 different communities, including Alice Springs.

The program could be further enhanced in future by the provision of a teacher on-site; internet access for residents; financial support for transport; and the ongoing development and maintenance of infrastructure.

#### *Other related programs*

A Youth Prevention Program was started in Yuendumu to offer young people some active and healthy alternatives to petrol sniffing and to support young ‘graduates’ returning from Mt Theo. Indigenous youth workers run activities for the young people of Yuendumu and Willowra (aged 4–17 years), including swimming, Aus-kick, singing and dancing. The goal is to engage young people in fun and healthy activities, reduce boredom and provide positive alternatives to petrol sniffing.

Extending on this prevention work, the Jaru Pirrjirdi ‘Strong Voices’ – Youth Development Project works with young adults (aged 17–30 years) in the community to address the underlying causes of petrol sniffing and help develop a strong, skilled and dedicated group of young leaders for Yuendumu.

#### *Factors for success*

The 2006 Commonwealth Senate report into petrol sniffing highlighted the success of the Mt Theo Program and recommended that funding be made available to interested communities to develop programs based on the same principles of intervention and support. The program is now used as a model for other remote communities in the Northern Territory, where there is an estimated 600 addicted petrol sniffers and 120 people left brain damaged from the practice.<sup>69</sup>

68 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At [http://www.mttheo.org/pdf/mt\\_theo\\_story.pdf](http://www.mttheo.org/pdf/mt_theo_story.pdf) (viewed 17 September 2009).

69 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At [http://www.mttheo.org/pdf/mt\\_theo\\_story.pdf](http://www.mttheo.org/pdf/mt_theo_story.pdf) (viewed 17 September 2009).

The manager of the Mt Theo program, Susie Low, has noted that the success of the program comes from 'local Aboriginal people taking control and supporting one another. This has allowed the community to use Warlpiri values and culturally appropriate ways of working. It is the families' combined strength and determination that has allowed this program to prosper'.<sup>70</sup>

Developing the program on country, and living and working in the homeland community is another central success factor.

Homelands still belong to the people, we want to build homes on our land and live there. When we come to the homeland we come back to the peace and quiet. We don't want to be crowded in Yuendumu. It is a much better environment on the homelands, better things for the children.<sup>71</sup>

Families like the Miller family still have a strong connection with their country. Their sense of connection with the land giving not only the Miller family, but also the young people who come to the Mt Theo outstation, the strength.

Our land makes us strong; language and ceremony is what makes the community strong. Culture, learning for the next generation keeps the land really strong.<sup>72</sup>

The Mt Theo Outstation case study demonstrates that even though a family or community may not permanently reside at the homeland, there is still social, cultural and economic value in having access to the homeland. The benefit is in removing oneself from the problems in the centralized township, working in context of one's own country, and creating a space and means of transmitting cultural lifestyles and knowledge. The Miller family would not have been able to achieve the same results living on other peoples' country in town. The case study also demonstrates how the right to health, as recognised in article 24 of the *Declaration* can be implemented in a manner that is grounded in cultural traditions and that uses culturally-informed strategies.

However, the case study highlights the significant government costs that are required to provide adequate infrastructure such as housing, electricity, water, sanitation and roads. The expense can be a barrier, but the economic benefit can be significant. To date, no cost benefit analysis has been done to measure the health and welfare savings to government when one petrol sniffer is rehabilitated. Governments must weigh these costs and these benefits in relation to homelands.

#### (b) Homelands – realisation of the right to economic development

Some commentators have labelled homelands as economically unviable because of their remoteness from mainstream markets and employment and education opportunities. Most notably in 2005, the then Indigenous Affairs Minister, Amanda Vanstone, argued that small communities had a limited future because of their limited resources and referred to them as 'cultural museums'.<sup>73</sup>

70 Australian for Native Title and Reconciliation, 'Putting the brakes on petrol sniffing (Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation, Northern Territory)', *Success Stories in Indigenous Health: A showcase of successful Aboriginal and Torres Strait Islander health projects* (2007). At <http://www.antar.org.au/node/196> (viewed 17 September 2009).

71 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

72 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

73 A Vanstone, (Former Minister for Immigration, Multicultural and Indigenous Affairs), *Indigenous communities becoming 'cultural museums'*, ABC Radio, AM Program interview, 9 December 2005. At <http://www.abc.net.au/am/content/2005/s1527233.htm> (viewed 17 December 2009)

While there is no argument that small communities are further away from markets and other resources found in larger towns, some small communities have been developing economically viable projects.

For example, some homeland communities are participating in land management and conservation projects on their traditional country. This has included fire abatement projects that serve to mitigate the effects of climate change.<sup>74</sup>

The Central Land Council has compiled evidence of activity in land and sea management, fisheries protection, resource development, seed collection, the management of feral animals and the management of introduced plant species in some of the remotest regions of Australia.<sup>75</sup> All of these activities are employment options for individuals and actions to protect the biodiversity of Australia's flora and fauna.

Resource management projects on homelands generate opportunities for conservation and economic development.<sup>76</sup> One example of this activity is the *Working on Country* program which funds Aboriginal people to maintain, restore and protect their lands and seas. The *Working on Country* program builds on the value of traditional knowledge in land management. It is an innovative strategy for economic development that complies with cultural practices and the right to self-determination.

Participating in the art industry has been another source of economic development for many homeland communities, as well as being a means of practicing and revitalising Indigenous cultural traditions and customs in accordance with articles 11 and 12 of the *Declaration*. These ventures have been possible because the artists are living on country, maintaining their cultural traditions, and creating art arising from cultural knowledge. Such programs are able to combine the benefits of community and culture with commercial benefits.

The arts are all coming from the homelands. The homelands are really important to us – it is where we belong. I know the land, the rocks, to me it is home. I can do my own patterns and designs from my country and I can earn money from this. Our art is our resource. We produce our art ourselves to maintain our culture, law, ceremonies and songs. If you got to the homelands you can see the sacred sites that inspire the art. Art and making ceremonies for sacred sites was our way of telling others that this was our country.<sup>77</sup>

The cultural and commercial success of the Indigenous visual arts industry has relied upon the land rights and homelands movements. These movements have enabled Indigenous communities to retain their links with their lands and cultures, which in turn have given form to the diverse range of Indigenous art forms.<sup>78</sup>

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74 See the case study of the Western Arnhem Land Fire Abatement Project in Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title Report 2007* (2007). At [http://humanrights.gov.au/social\\_justice/nt\\_report/ntreport07/chapter12.html](http://humanrights.gov.au/social_justice/nt_report/ntreport07/chapter12.html) (viewed 17 September 2009).

75 For a list of the research papers on the benefits of land management activities undertaken on homelands see: Central Land Council, *Briefing Paper: Keeping Homelands Alive: Evidence that supports the continued resourcing of dispersed settlements* (2009). At [http://www.clc.org.au/Media/issues/Outstations\\_briefing\\_paper.pdf](http://www.clc.org.au/Media/issues/Outstations_briefing_paper.pdf) (viewed 17 September 2009).

76 J Altman and P Whitehead *Caring for country and sustainable indigenous development: opportunities, constraints, and innovation*, CAEPR Working paper No. 20/2003 (2003), p 4. At <http://www.anu.edu.au/caepr/Publications/WP/CAEPRWP20.pdf> (viewed 17 September 2009).

77 D Marawili (Chair, Association of Northern, Kimberley and Arnhem Aboriginal Artists (ANKAAA)), *Community, cultural and commercial benefits in Indigenous creative industries – who benefits?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

78 J Altman, *Managing creative industries in a changing environment – has the Intervention impacted on Indigenous creativity in the Northern Territory?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).



Homeland communities such as Mapuru have followed another path for economic development. They have been building cultural tourism projects. Such projects would not be possible if the community was residing in a centralised community.



Roslyn Malgumba, Linda Marathuwarr, and Caroline Gulumindiwuy at Mapuru (Photo: Fabienne Balsamo 2009)

### Case Study 4.3: Mapuru<sup>79</sup>

#### *History of Mapuru*

In the 1950s and 60s, the families hunted crocodiles and traded the skins with the mission at Elcho Island. Once the crocodiles became protected, the families continued to live on their ancestral lands supporting themselves through logging. The timber was used at the mission on Elcho and exported to Darwin, a trade which ended by the early 1970s. Mapuru was established in the late 1960s by two families. The site was selected because of its proximity to fresh water. They started with a bark hut, and built the first airstrip themselves, clearing the area by hand over 5 months.

<sup>79</sup> This information was sourced from the 'Arnhem Weavers' website (<http://www arnhemweavers.com.au/tours-2005.htm>) and from discussions with members of the Mapuru homeland community members (Roslyn Malgumba, Jackie Nuluwidi, and Yingala Guyula) and John Greatorex of Charles Darwin University in 2009.

*Current status of Mapuru*

- The regular population is approximately 70 people including approximately 40 children. Greater numbers of family members commonly return to Mapuru at funeral times.
- 24 of the community members are on CDEP.
- Mapuru has three resident assistant teachers and two visiting teachers who attend for up to 4 days a week. A mix of Yirritja and Dhuwa languages are used to teach English in the school. The students learn painting and weaving in addition to the standard curriculum.
- The school is considered an outreach centre of Shepherdson College, a government school on Elcho Island, and does not receive independent funds from the Northern Territory or Commonwealth Governments. The resident teachers receive few professional development opportunities and no access to computer facilities through the government. In 2002, Northern Territory and federal government funding was provided to have new accommodation built for visiting teachers.
- The Mapuru community established a food cooperative in 2002, which has won the National Heart Foundation award for a Small Community Initiative. However, the cooperative was not approved for the Basics Card scheme under the Northern Territory Intervention. So community members whose welfare or pension benefits are subject to income management cannot spend their income at the store. Instead they have to travel by charter planes or boat to Elcho Island to purchase groceries with their income managed funds.
- Health workers visit Mapuru every fortnight to provide information, undertake health checks and provide medication.

To develop our homeland we have developed our school, our community store, our own economic development projects – these have all been our own initiatives. We are thinking about and creating every aspect of our community to allow our people to continue. If we had sports here and a really big shop then we could get everything here.<sup>80</sup>

*Cultural Tourism Project – Arnhem Weavers*

The Mapuru homeland community runs a tourism project, where they have cultural tours and workshops for small groups of tourists who can come and live in Mapuru for 1–2 weeks, and learn about weaving and other traditional activities such as:

- Pandanus weaving, including pandanus collection, preparation, dyeing, and weaving
- Mewana (reed) weaving (for the more experienced)
- String making (using Banyan and Brachyichiton barks)
- Bush medicines
- Harvesting of yams, fruits, shellfish, fish (seasonal)
- Preparation and production of cycad bread
- House and shelter construction and
- Trekking, following pre-contact paths across country

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80 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

Linda Marathuwarr, one of the workshop leaders, says the thinking behind the tours was that 'white people should learn something about us, the way we learn about them'. The programs offer unique opportunities for Yolŋu and non-Yolŋu to sit together, talk, laugh and learn more about each other.

The first year, in 2003, there was only one tour. This has since grown and in 2009 there were 6 tours organised for February, June, July, September and October. New programs are being added over time, expanding to include programs for men and families. The workshops generate a minimum of approximately \$5,000 per workshop.

For 7 years the project has grown without any government funding or external assistance. This is a source of pride for the community members, but also essential to the sustainability of the project. As one community member noted, 'If we accept any assistance we might be giving away too much of our independence'.

The women's woven products (baskets and mats) are also sold through the tours and the internet, and occasionally through community arts centres on Elcho Island and Yirkkala. The tours and the weaving products are advertised in mainstream markets primarily through the website (<http://www.arnhemweavers.com.au/>).

The program is considered an important means of generating employment and financial independence for Mapuru community members, with the aim of creating a welfare-free future for their children and grandchildren.<sup>81</sup>

#### *Factors for success*

The project is a good example of Indigenous tourism that can be done on country, by Indigenous communities themselves.

Through the tourism project we are creating a future for the children. We need something to work for. We need to create work here that is economically viable. It doesn't need to be a lot of money, but it needs to be enough to sustain the community; to enable the children to live here in the future, otherwise they have no future. These kinds of projects can't be done in Elcho Island or Darwin, they have to be done on country.<sup>82</sup>

The importance of undertaking projects such as Arnhem Weavers is steeped in the continuing relationship with the land and living on country:

We remember the song lines. There is spirit in the wind, in the lands, and the spirit is related to us. It is a family. We can't share and show the spirit on someone else's country. You have to tell your story from own place. You get power from the land to tell your story, in the class room it has no power.<sup>83</sup>

Importantly, the project has also generated self-esteem among community members. 'It warms me, reinforces my humanity to have people come and understand and reaffirm our lives and culture'.<sup>84</sup>

81 'Stepping Stones for Tourism' is a government initiative aimed to assist Indigenous people to develop and manage tourism projects such as Arnhem Weavers (<http://www.steppingstonesfortourism.net/what.php>).

82 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

83 Yingiya Guyula, Meeting at Mapuru, 27 April 2009

84 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

**(c) Homelands – realisation of Indigenous cultural rights**

The return to homelands has been an important means of ‘fulfilling cultural obligations including caring for country, intergenerational transmission of traditional law and culture, and greater autonomy’.<sup>85</sup>

The homelands movement has been a critical strategy of cultural survival for many Aboriginal communities. The survival of culture is not limited to preserving a static, historical culture, but refers to continuing culture, as it continues to grow and evolve. Living and being on country can continue to inform individual and community cultural identities.

For Aboriginal people, land is not only our mother – the source of our identity and our spirituality – it is also the context for our human order and inquiry.

Our identity as human beings remains tied to our land, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange. Destroy this relationship and you damage – sometimes irrevocably – individual human beings and their health.<sup>86</sup>

Our culture is not built around large centralised communities – to practice our culture, we need to be on our land, where we have the right authority to be able to paint it. Our art is linked to the place. Our culture can’t be taught in the suburbs.<sup>87</sup>

By promoting cultural identity and regeneration, the homelands movement is an active implementation of the rights to culture recognised in the *UN Declaration on the Rights of Indigenous Peoples*:

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

85 C Ganesharajah, *Indigenous health and wellbeing: The importance of country*, Native Title Research Report No 1/2009 (2009), p 17. At <http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf> (viewed 17 September 2009).

86 C Ganesharajah, *Indigenous health and wellbeing: The importance of country*, Native Title Research Report No 1/2009 (2009), p 1. At <http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf> (viewed 17 September 2009). See similar documentation on WA homeland movements in: Tjuwanpa Outstation Resource Centre Aboriginal Corporation and A Kennedy, Southern Cross University, Desert Knowledge, *Submission to The Northern Territory Government Outstations Policy* (2008). At [http://www.desertknowledgecrc.com.au/news/downloads/DKCRC\\_Tjuwanpa-outstations-submission.pdf](http://www.desertknowledgecrc.com.au/news/downloads/DKCRC_Tjuwanpa-outstations-submission.pdf) (viewed 17 September 2009).

87 B Munungurr (Chair Laynhapuy Homeland Association), *Managing creative industries in a changing environment – has the Intervention impacted on Indigenous creativity in the Northern Territory?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

The cultural regeneration that continues to emerge through the homelands movement, provides a strong asset base for future economic development that manifest as environmental management programs, cultural tourism, and the arts industry.

**(d) Homelands: government policy killing them softly?**

While the homelands movement has been an initiative of Aboriginal communities, government policies and programs have to a greater or lesser extent enabled or supported the homelands movement. Several such policies and programs have contributed to the emergence of the homelands movement.

Since 2007, some federal and Northern Territory Government policies and programs have been introduced that could have a significant negative impact on the continuation and growth of homeland communities. These include:

- The transfer of responsibility from the federal government to the Northern Territory Government for the delivery of municipal and essential services to homelands, starting 1 July 2008, under the *MOU on Indigenous Housing, Accommodation and Related Services*.
- The introduction of the Northern Territory Emergency Response to address sexual abuse and family violence in Indigenous communities in the Northern Territory.
- The replacement of Indigenous community councils with shire councils under the *Local Government Act 2008*, has displaced Aboriginal people as constituents in the decision-making process and removed the social capital that had developed through the community councils. The introduction of shire councils has reduced the level of community engagement and input from homeland communities into the shire council's decisions on the delivery of municipal and other services.
- The gradual withdrawal of CDEP from remote areas – to be phased out by 2011 – has reduced financial support for community work on homelands. CDEP wages are being converted to welfare payments. While the Commonwealth Government intends to convert some CDEP positions into full time employment, some part-time positions will be lost in transition.<sup>88</sup>
- The federal government's *National Partnership Agreement on Remote Service Delivery*, has prioritised services in 26 selected sites in Australia.<sup>89</sup> Fifteen communities in the Northern Territory have been identified as a selected sites.<sup>90</sup> Much of the funding commitments made through such COAG agreements is for prioritised, larger, Indigenous communities, with comparatively lower levels of resources and service provision being made available in other smaller, communities, many of which are homeland communities.

88 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 30. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

89 The 26 sites consist of 15 locations in the Northern Territory, four locations in the Cape York and Gulf regions of Queensland; three locations in Western Australia, two locations in the Anangu Pitjantjatjara Yankunytjatjara Lands in South Australia; and two remote locations in Western New South Wales. By December 2009, a further 3 communities had been included in the list of priority locations, amounting to a total of 29 sites.

90 COAG, *National Partnership Agreement on Remote Service Delivery* (2008). At [http://www.coag.gov.au/intergov\\_agreements/federal\\_financial\\_relations/docs/national\\_partnership/national\\_partnership\\_on\\_remote\\_service\\_delivery\\_with\\_amended\\_schedule.rtf](http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.rtf) (viewed 17 September 2009).

**(e) The hub and spoke model of service delivery to homelands**

The Northern Territory Government's *Working Future* policy outlines a service delivery model known as the 'hub and spoke' model. Under this model, large regional towns are the service hubs and smaller outlying communities, like homelands, are the spokes. Outlying communities are serviced by personnel from the regional hubs. Visiting personnel visit the outlying communities and provide a part-time out-reach service. Health care, infrastructure maintenance and education services are all provided by visiting workers. Twenty selected communities across the Northern Territory are currently identified as hub communities.<sup>91</sup>

The Commission's submission to the Northern Territory Government's Discussion paper on homelands critiques the hub and spoke model approach outlining the following risks:

- The hub and spoke model, while being a useful model for service delivery in some areas such as housing maintenance and infrastructure including roads, it is not a model that fits all areas of service delivery. The hub and spoke model is not capable of providing quality services in areas such as education.
- The under-resourcing of education services to homelands is an ongoing issue that the Commission has previously commented upon.<sup>92</sup> Given that up to 1,000 school-aged children in the Arnhem region alone have limited or no access to school education, it is now a matter of urgency that the Northern Territory Government audit homeland populations and provides accessible and acceptable education services to the current and projected school-aged populations of these communities.
- The hub and spoke model should be abandoned for the purposes of education provision, and governments should enter into negotiations with homelands stakeholders to determine appropriate education service delivery. The education model at Garrthalala in Arnhem Land is an example of the ways in which homeland residents, volunteers, governments and Homeland Associations can work together to achieve quality education outcomes that suit local requirements.
- A fixed criteria eligibility model, such as the hub and spoke model, does not allow for contingencies and local differences. For example, setting population threshold as a criteria for service delivery, does not take into consideration the mobility of populations common to homelands. For instance, homeland residents move temporarily to regions where their children can access schools or where their kin can access health services. Or that small homelands can swell to much larger communities during times of ceremony, which can occur over periods of months.

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91 The 20 growth towns are: Maningrida, Wadeye, Borroloola, Galiwin'ku, Nguiu, Gunbalanya, Milingimbi, Ngukurr, Numbulwar, Angurugu/Umbakumba, Gapuwiyak, Yuendumu, Yirrkala, Lajamanu, Daguragu/Kalkarindji, Ramingining, Hermannsburg, Papunya, Elliott and Ali Curung. While the *Working Future* policy refers to 20 growth towns, there are in fact 22 communities named in the policy. The communities of Daguragu and Kalkarindji are referred to as one growth town, as are the communities of Angurugu and Umbakumba. The 20 communities include the 15 Territory growth towns identified for support under the COAG National Partnership Agreement on Remote Service Delivery as well as 5 other communities. (Northern Territory Government, *Working Future: Territory Growth Towns*, [http://www.workingfuture.nt.gov.au/growth\\_towns.html](http://www.workingfuture.nt.gov.au/growth_towns.html) (viewed 7 September 2009)).

92 Human Rights and Equal Opportunity Commission, *Emerging Themes – National Inquiry into Rural and Remote Education* (2000), pp 12–13. At: [http://humanrights.gov.au/pdf/human\\_rights/rural\\_remote/emerging\\_themes.pdf](http://humanrights.gov.au/pdf/human_rights/rural_remote/emerging_themes.pdf) (viewed 18 December 2008).

- Where the prioritisation of service delivery to hub towns occurs at the expense of on-site service delivery in homeland communities, this can significantly undermine the development of sustainable Indigenous homelands. As a result, homeland community members may have to travel long distances and occasionally temporarily relocate into hub areas to access services. Similarly, the lack of resources for new homelands will adversely affect an increasing Aboriginal population in the Northern Territory.<sup>93</sup>

**(f) Where to from here?**

To date, homeland residents and leaders have been largely excluded from direct participation in the development of policies on homelands and outstations. In 2009, the Laynhapuy Homelands Association has called upon the Northern Territory Government and the federal government to develop homelands policy with the participation of its leaders.

It is now time to work together, hand in hand, in equal partnership and responsibility, and for us to be part of this process, and for us to be part of the solution.<sup>94</sup>

In October 2009, the Academy of the Social Sciences in Australia and the Centre for Aboriginal Economic Policy Research held a forum bringing together experts from peak Aboriginal organisations, homeland resource agencies, academics and researchers. The purpose of the forum was to examine the current government policies for homelands. The forum issued a communiqué to the Prime Minister calling for the government to:

- recognise the cultural, environmental and strategic importance of homelands/ outstations, and particularly for their significance for Aboriginal livelihoods, health, education and well being and for the provision of environmental services;
- assess the compatibility of the current policy on homelands/ outstations with the *UN Declaration on the Rights of Indigenous Peoples* and refer the issue of homelands/ outstations to a Parliamentary inquiry.<sup>95</sup>

## 4.6 Conclusion

The *UN Declaration on the Rights of Indigenous Peoples* recognises the rights of Indigenous peoples to self-determination, to participation in their own development and to the promotion and revitalisation of their cultural traditions and customs.

Having formally supported the *Declaration*, the Australian Government now needs to shift its attention to the implementation of the provisions of the *Declaration*. Key to its implementation in Australia, will be government support for Indigenous peoples to realise their own development through initiatives that develop their right to self-determination. To this end the government can play a positive role by reviewing its policies, programs and mechanisms for service delivery, in line with the rights recognised under the *UN Declaration on the Rights of Indigenous Peoples*.

93 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), pars 19, 25–28. At [http://humanrights.gov.au/legal/submissions/sj\\_submissions/20081215\\_outstations.html#Heading64](http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64) (viewed 17 September 2009).

94 B Mununggurr, Chairman of Laynhapuy Homelands Association.

95 Academy of the Social Sciences in Australia and Centre for Aboriginal Economic Policy Research, *Communique to the Prime Minister on Homelands/ Outstations* (Paper to the Forum on Homelands/ Outstations, Canberra, 27–28 October 2009). At [http://online.anu.edu.au/caepr/Announces/anc09\\_12\\_01\\_760.php#attachments](http://online.anu.edu.au/caepr/Announces/anc09_12_01_760.php#attachments) (viewed 1 December 2009).

Indigenous peoples have the right to define and decide on their own development priorities. This means they have the right to participate in the formulation, implementation and evaluation of plans and programmes for national and regional development that may affect them. This principle is re-affirmed as one of the objectives of the Second International Decade on the World's Indigenous People. The principle requires that UN programmes and projects also take measures to involve indigenous peoples in all stages of the development process.<sup>96</sup>

A central tenet of Indigenous peoples' rights is our right to effective participation in policies that affect us. The 'human person is the central subject of development and should be the active participant and beneficiary of the right'.<sup>97</sup>

It is essential that governments allow homeland leaders and residents to participate in the development of policies that will affect their future and way of life.

**Text Box 4.3: Statement from Dr Gawirrin Gumana AO, Thursday, 21 May 2009**

My name is Dr Gawirrin Gumana AO of Gangan, and I am one of the old people who fought for our Land Rights. Government, I would like to pass this on to you, my words now.

If you are looking for people to move out, if you want to move us around like cattle, like others who have already gone to the cities and towns, I tell you, I don't want to play these games.

Government, if you don't help our Homelands, and try to starve me from my land, I tell you, you can kill me first. You will have to shoot me.

Listen to me.

I don't want to move again like my father moved from Gangan to other places like Yirrkala or Groote. I don't want my children to move. I don't want my family to move.

I will not lose my culture and my tribe to your games like a bird moving from place to place, looking for its camp or to sleep in other places, on other people's land that is not our land.

I do not want my people will move from here and die in other places. I don't want this. We don't want this.

96 United Nations Development Group, *Guidelines on Indigenous Peoples' Issues* (2008) p 14. At <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf> (viewed 17 September 2009).

97 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007* (2007), p 241. At [http://humanrights.gov.au/social\\_justice/sj\\_report/sjreport07/chap3.html#fnB66](http://humanrights.gov.au/social_justice/sj_report/sjreport07/chap3.html#fnB66) (viewed 16 November 2009).



I am an Aboriginal from mud, red mud.

I am black, I am red, I am yellow, and I will not take my people from here to be in these other places.

We want to stay on our own land. We have our culture, we have our law, we have our land rights, we have our painting and carving, we have our stories from our old people, not only my people, but everyone, all Dhuwa and Yirritja, we are not making this up.

I want you to listen to me Government.

I know you have got the money to help our Homelands. But you also know there is money to be made from Aboriginal land.

You should trust me, and you should help us to live here, on our land, for my people.

I am talking for all Yolŋu now.

So if you can't trust me Government, if you can't help me Government, come and shoot me, because I will die here before I let this happen.<sup>98</sup>

## 4.7 Recommendation

In order to implement the *UN Declaration on the Rights of Indigenous Peoples*, particularly Articles 3, 11, 12, 20 and 21, that the Australian and Northern Territory Governments commit to:

- Review the *Working Future* policy with the active participation of representative leaders from homeland communities
- Develop and implement future homeland policies with the active participation of leaders from homeland communities and
- Provide funding and support for homeland communities in all states and territories through the COAG National Indigenous Reform Agreement and associated National Partnership Agreements.

<sup>98</sup> Born in the 1930's, Gawirrin Gumana is a leader of the Dhalwangu clan. He is one of the most senior Yolŋu alive today and is renowned for his artwork and knowledge of traditional culture and law. Gawirrin was a contributor to the Yirrkala church panels that are a statement by clan groups regarding their equal authority with the church and in 1992 he was ordained as a Minister of the Uniting Church. He was a major litigant in the 2005 Federal Court Blue Mud Bay decision that granted inter-tidal rights to traditional owners. Following the *Aboriginal Land Rights (Northern Territory) Act 1976*, Gawirrin led his clan back to its traditional country at Gangan, about 150 kilometres southwest of Nhulunbuy. Gangan, with a population of around 80 people, has been acknowledged as one of the notable success stories of the homelands movement.

